



ATTORNEY GENERAL OF MISSOURI
ANDREW BAILEY

May 23, 2023

Mark Tolbert
President, Kansas City Board of Police Commissioners
1125 Locust Street
Kansas City, Missouri 64106

Dear President Tolbert:

I write because the City Council of Kansas City has asked you to do something unprecedented and radical. As you may know, the General Assembly recently passed crucial legislation to protect children from dangerous, experimental gender transition interventions. Yet one day after this legislation passed, the City Council—in a document filled with false statements—publicly urged you to disregard your duty to enforce this critical legislation. I have no reason to doubt that you take seriously your obligation to follow the law. I thus write to make clear that accepting the City Council’s solicitation would be both dangerous and unlawful.

The General Assembly’s Save Adolescents from Experimentation Act, S.B. 49, is desperately needed. In the last decade, the number of people identifying as transgender has increased by a factor of close to 1,000. According to the best scientific evidence, what these children need is compassionate counseling care. But in recent years, clinics in Missouri have disregarded this established treatment, instead pushing children toward harmful chemical and surgical interventions.

The result has been a disaster. Known harms from these interventions include premature mortality, interference with brain development, infertility, loss of bone density, hypertension, and shockingly high suicide rates *after* interventions.

There have been no well-documented offsetting benefits. Indeed, the international medical community has recently acknowledged that there is no solid evidence to support these interventions at all. For that reason, countries like Sweden, Finland, Norway, and the United Kingdom have all greatly restricted gender transition interventions. Finland’s national health care council called these interventions “an experimental practice” that is not “evidence-based.” Sweden’s National Board of Health and Welfare declared that these interventions suffer from a “lack of reliable scientific evidence” and that “the risks” from these procedures “currently outweigh the possible benefits.” And the U.S. Agency for Healthcare Research and Quality recently determined that “[t]here is a lack of current evidence-based guidance for the care of children and adolescents who identify as transgender, particularly regarding the benefits and harms of pubertal suppression, medical affirmation with hormone therapy, and surgical affirmation.”*

* *Recommendation by the Board for Selection of Choices for Healthcare in Finland (PALKO/COHERE Finland): Medical Treatment Methods for Dysphoria Related to Gender Variance in*

Anybody paying attention to this science ought to have applauded the General Assembly for passing a law to prohibit these dangerous, experimental interventions in children. But instead, the Council of Kansas City passed a radical resolution resisting this law—in effect instructing city personnel never to enforce it. *See* Resolution No. 230385. Despite the international consensus that these interventions lack evidentiary support, the Council resolution falsely states, without providing any evidence, that these interventions “ha[ve] been proven to be evidence-based, medically necessary, and lifesaving.” Indeed, the Council resolution does not even *acknowledge* the authorities—both in Europe and in the United States—that flatly contradict the resolution. Even worse, the City Council has publicly stated that it is soliciting the Kansas City Board of Police Commissioners to adopt the same policy.

I write to make clear that accepting the City Council’s solicitation would not only harm children, but would also be a flagrant violation of the Board’s legal duties. The Board is governed not by city ordinances or resolutions, but by State law. The Board is created and controlled by State law, and the members are appointed by and removable by the Governor. §§ 84.350, 84.360, 84.370, 84.390, RSMo; Mo. Const. art. VII, § 11. The Board has an obligation, imposed by State law, to “[g]uard the public health” by ensuring “that *all laws* relating to ... the public health are enforced.” § 84.420.1(4), (9), RSMo (emphasis added). Board members thus have a legal duty to protect children by enforcing the SAFE Act.

I note also that State law preempts contradictory local ordinances, not the other way around. This is especially the case when the People subject a whole area of law to statewide

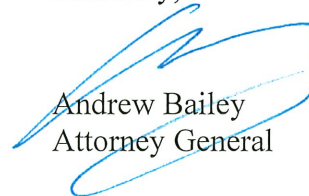
Minors (2020), available at https://ago.mo.gov/docs/default-source/press-releases/guidelines_minors_finland_certified-translation.pdf; Swedish Socialstyrelsen, *Care of Children and Adolescents with Gender Dysphoria* (2022), available at <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2022-3-7799.pdf>; Gauffin, et al., *Systematic Review, Guideline Regarding Hormonal Treatment of Minors with Gender Dysphoria at Tema Barn – Astrid Lindgren Children’s Hospital* (2021), available at <https://ia802301.us.archive.org/4/items/gov.uscourts.ared.128159/gov.uscourts.ared.128159.45.8.pdf>; *Topic Brief: Treatments for Gender Dysphoria in Transgender Youth*, AHRQ, Nom. No. 0928, at 2 (2021), <https://effectivehealthcare.ahrq.gov/system/files/docs/topic-brief-gender-dysphoria.pdf>; *Report from the Norwegian Healthcare Investigation Board* (2023), available at <https://ukom.no/rapporter/pasientsikkerhet-for-barn-og-unge-med-kjonnsinkongruens/sammendrag>; *Evidence Review: Gender-Affirming Hormones for Children and Adolescents with Gender Dysphoria*, National Inst. for Health and Care Excellence (2020); *Evidence Review: Gonadotrophin Releasing Hormone Analogues for Children and Adolescents with Gender Dysphoria*, National Inst. for Health and Care Excellence (2020), available at <https://cass.independent-review.uk/nice-evidence-reviews/>; *Medicine and Gender Transidentity in Children and Adolescents*, French National Academy of Medicine (2022), available at <https://www.academie-medecine.fr/la-medecine-face-a-la-transidentite-de-genre-chez-les-enfants-et-les-adolescents>; see also *Edmo v. Corizon, Inc.*, 949 F.3d 489, 496–98 & n. 6 (9th Cir. 2020) (Bumatay, J., dissenting from denial of rehearing en banc) (explaining the experimental nature of such care); *What America Has Got Wrong About Gender Medicine*, *The Economist* (Apr. 5, 2023), available at <https://www.economist.com/leaders/2023/04/05/what-america-has-got-wrong-about-gender-medicine>; *The Evidence to Support Medicalised Gender Transitions in Adolescents is Worryingly Weak*, *The Economist* (Apr. 5, 2023), available at <https://www.economist.com/briefing/2023/04/05/the-evidence-to-support-medicalised-gender-transitions-in-adolescents-is-worryingly-weak>; Block, *Gender Dysphoria in Young People is Rising—and so is Professional Disagreement*, *BMJ* (Feb. 23, 2023), available at <https://www.bmj.com/content/bmj/380/bmj.p382.full.pdf>.

control, as they have done here. *See Union Elec. Co. v. City of Crestwood*, 499 S.W.2d 480, 482–83 (Mo. 1973). The General Assembly has determined that protecting children from experimental, dangerous gender transition interventions is a high priority. Any resolution or ordinance that serves as an obstacle to the enforcement of State law is null and void.

The number of children identifying as transgender has skyrocketed in the last few years. These children deserve evidence-based, well-established care, not irreversible, experimental interventions already rejected by health authorities in many countries. Unfortunately, with the backing of the City Council of Kansas City, some organizations in Missouri are harming children in their pursuit of ideology over science. But the General Assembly has spoken. It is the Board's constitutional duty to enforce the law and ensure that children are protected from these dangerous, experimental gender transition interventions. As Missouri's top legal officer, I will take any legal action necessary against the City to ensure our state laws are enforced.

Do not hesitate to reach out with any questions.

Sincerely,



Andrew Bailey
Attorney General